

date of the filing of this motion, more than a year has elapsed since the service of the Complaint on Judge Wayne Mack in his official judicial capacity. During this time, Judge Wayne Mack in his official judicial capacity has failed to serve a response upon Plaintiffs and failed to make an appearance before this Court.

4. Pursuant to the provisions of Federal Rule of Civil Procedure 55(b)(2), this Court is empowered to enter a default and default judgment against the Judge Wayne Mack in his official judicial capacity for relief sought by Plaintiffs in their Complaint.
5. Defendant Judge Wayne Mack in his official judicial capacity has failed to plead or otherwise defend this action, and Plaintiffs are entitled to judgment by default against Defendant in that capacity.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that this Court enter a default and default judgment against Judge Wayne Mack in his official judicial capacity and issue declaratory relief that Judge Mack's courtroom prayer practice violates the Establishment Clause of the First Amendment of the United States Constitution.

Respectfully submitted,

/s/ Samuel T. Grover

SAMUEL T. GROVER
S.D. Tex. Bar No. 3050690
Counsel of Record
ELIZABETH CAVELL
Wis. State Bar No. 1089353
Admitted Pro Hac Vice
FREEDOM FROM RELIGION
FOUNDATION, INC.
P. O. Box 750
Madison, WI 53701

Telephone: 608-256-8900
Telecopier: 608-204-0422
sgrover@ffrf.org / ecavell@ffrf.org

AYESHA KHAN
D.C. Bar No. 426836
Admitted *Pro Hac Vice*
ROCK CREEK LAW, LLC
5309 Burling Terrace
Bethesda, MD 20814
Telephone: 301-246-0346
COUNSEL FOR PLAINTIFFS

December 18, 2020

CERTIFICATE OF SERVICE

I certify that, on December 18, 2020, a true and correct copy of this motion was served by ECF on all counsel of record. This was also served on Judge Wayne Mack in his official judicial capacity via certified mail, return receipt requested at 19380 Hwy 105 West, Suite 507, Montgomery, TX 77356. Judge Mack in his official judicial capacity was also served via certified mail at his residence in Conroe, TX.¹

/s/ Samuel T. Grover
Samuel T. Grover

¹ Judge Mack's address is not being published here due to his position as a judge.